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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANDRA JAY,

Plaintiff,

v.

**SALLIE MAE, INC.; GC
SERVICES LIMITED
PARTNERSHIP; AND, ALLIED
INTERSTATE, LLC,**

Defendants.

Case No.: 5:13-cv-2142-MWF-DTB

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
VIOLATIONS OF:**

- I. THE FAIR DEBT
COLLECTION
PRACTICES ACT, 15 U.S.C.
§ 1692, ET SEQ.;**
- II. THE ROSENTHAL FAIR
DEBT COLLECTION
PRACTICES ACT, CAL.
CIV. CODE § 1788, ET
SEQ.; AND,**
- III. CALIFORNIA CIVIL CODE
§ 1798.92, ET SEQ.**

JURY TRIAL DEMANDED

2013 NOV 21 PM 2:11
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: _____

FILED

INTRODUCTION

1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq, to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.
2. The California legislature has determined that the banking and credit system and grantors of credit to consumers are dependent upon the collection of just and owing debts and that unfair or deceptive collection practices undermine the public confidence that is essential to the continued functioning of the banking and credit system and sound extensions of credit to consumers. The Legislature has further determined that there is a need to ensure that debt collectors exercise this responsibility with fairness, honesty, and due regard for the debtor's rights and that debt collectors must be prohibited from engaging in unfair or deceptive acts or practices.¹
3. ANDRA JAY ("Plaintiff"), by Plaintiff's attorneys, brings this action on behalf of Plaintiff's mother, Rita Cutler, ("Ms. Cutler")² to challenge the actions of SALLIE MAE, INC. ("Sallie Mae" or "Defendants"); GC SERVICES LIMITED PARTNERSHIP ("GC Services" or "Defendants"); and, ALLIED INTERSTATE, LLC ("Allied") with regard to attempts by

¹ Cal. Civ. Code §§ 1788.1 (a)-(b)

² As discussed below, Ms. Cutler was declared mentally incompetent in 2008; thus, Ms. Cutler lacks the legal capacity to file suit.

Defendants, debt collectors, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff damages.

4. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which Plaintiff alleges on personal knowledge.

5. While many violations are described below with specificity, this Complaint alleges violations of the statute cited in its entirety.

6. Unless otherwise stated, all the conduct engaged in by Defendant took place in California.

7. Any violations by Defendants were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violation.

8. Unless otherwise indicated, the use of Defendant's name in this Complaint includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of Defendant's named.

JURISDICTION AND VENUE

9. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. § 1682k and 28 U.S.C. § 1367 for supplemental state claims.

10. This action arises out of Defendants' violations of (i) the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692(p) ("FDCPA"); (ii) the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788.17 ("RFDCPA"); and, (iii) California Civil Code §§ 1798-92, et seq.

11. Because Defendant conducts business within the State of California, personal jurisdiction is established.

12. Venue is proper pursuant to 28 U.S.C. § 1391 for the following reasons: (i) Plaintiff resides in the City of Palm Desert, County of Riverside, State of California which is within this judicial district; (ii) the conduct complained of

1 herein occurred within this judicial district; and, (iii) Defendants conducted
2 business within this judicial district at all times relevant.

3 **PARTIES**

4 13. Plaintiff is a natural person who resides in the State of California, from whom
5 a debt collector sought to collect a consumer debt which was due and owing
6 or alleged to be due and owing from Plaintiff. In addition, Plaintiff is a
7 “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

8 14. Ms. Cutler is a “Victim of Identity Theft” as that term is defined by Cal. Civ.
9 Code § 1798.82(d). In addition, Ms. Cutler is a “senior citizen” as that term is
10 defined by Cal. Civ. Code § 1761(f).

11 15. Defendant Sallie Mae is a company incorporated in the State of Delaware with
12 its principal place of business in Reston, Virginia.

13 16. Defendant GC Services is a limited partnership incorporated in the State of
14 Delaware with its principal place of business in Houston, Texas.

15 17. Defendant Allied Interstate LLC is a company incorporated in the State of
16 Minnesota with its principal place of business in New York, New York.

17 18. Plaintiff is informed and believes, and thereon alleges, that Defendants, in the
18 ordinary course of business, regularly, on behalf of themselves or others,
19 engage in “debt collection” and are therefore “debt collectors” as the terms are
20 defined by 15 U.S.C. § 1692a(6).

21 19. This case involves money, property or their equivalent, due or owing or
22 alleged to be due or owing from a natural person by reason of a consumer
23 credit transaction. As such, this action arises out of a “debt” as that term is
24 defined by 15 U.S.C. 1692a(5).

25 20. Defendants are each a “claimant” as that term is defined by California Civil
26 Code § 1798.92(a).

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FACTUAL ALLEGATIONS

21. At all times relevant, Plaintiff is an individual residing within the State of California.

22. In 2006, Plaintiff's mother, Rita Cutler ("Ms. Cutler"), was diagnosed with Alzheimer's disease.

23. After years of medical care, two separate doctors and a registered nurse declared Ms. Cutler to be incompetent. Specifically, David W. Trader, M.D. on March 10, 2008; Dr. R. Swamy Venuturupalli, M.D., F.A.C.R. on March 19, 2008; and, Liz Gayton, RN on February 28, 2012.

24. Shortly after this diagnosis, Plaintiff obtained Power of Attorney for Ms. Cutler in or about May 2008. Plaintiff brings this lawsuit on behalf of Ms. Cutler since Ms. Cutler does not have the capacity to file suit.

25. Currently, Ms. Cutler is terminally ill and receiving the assistance of a hospice nurse. In addition, Ms. Cutler is a senior citizen, aged 89.

26. As a result of the medical issues and Ms. Cutler's delicate age, Ms. Cutler retained the services of a family of four to act as live-in caregivers.

27. While caring for Ms. Cutler, the primary caregiver's daughter, Joana Reboja ("Reboja") met Kevin Smith ("Smith") online.

28. Merely months after meeting online, Smith moved into Ms. Cutler's home to live with Reboja and to provide additional assistance for Ms. Cutler.

29. In or about 2008, Smith abused Smith's role as caregiver and stole Ms. Cutler's identity for Smith's own personal gains.

30. First, Smith stole Ms. Cutler's identity in order to purchase two Nissan Z automobiles for Smith's personal use without Ms. Cutler's knowledge and/or consent. Smith unilaterally listed Ms. Cutler as the owner of both vehicles.

31. Following this purchase, Plaintiff was contacted by Nissan informing Plaintiff that Ms. Cutler was delinquent on Ms. Cutler's car payment. Since Plaintiff knew that Ms. Cutler did not drive, Plaintiff was immediately suspicious and

1 requested more information from Nissan.

2 32. As a result of Plaintiff's investigation, Plaintiff provided Nissan with
3 sufficient information to allow Nissan to determine that Smith obtained the
4 vehicles fraudulently and Nissan promised to refrain from collection efforts
5 against Plaintiff and/or Ms. Cutler on December 8, 2011.

6 33. During the course of Plaintiff's investigation with Nissan, Plaintiff obtained a
7 copy of Ms. Cutler's credit report. In reviewing said credit report, Plaintiff
8 discovered a trade line from Sallie Mae alleging that Ms. Cutler co-signed for
9 a student loan with Smith.

10 34. Thereafter, Plaintiff filed two police reports against Smith for stealing Ms.
11 Cutler's identity in order to obtain the vehicles and a student loan on behalf of
12 Ms. Cutler with the Los Angeles Police Department.

13 35. As stated above, Ms. Cutler was legally incompetent to enter into any
14 contracts at the time that Ms. Cutler allegedly co-signed for Smith's student
15 loans. Thus, Ms. Cutler lacked the legal capacity to enter into a contract of
16 any sort.

17 36. As a result of Smith's deceit, Defendants assert that Ms. Cutler allegedly
18 incurred financial obligations to the original creditor, Sallie Mae, that were
19 money, property, or their equivalent, which is due or owing, or alleged to be
20 due or owing, from a natural person to another person and were therefore
21 "debt(s)" and a "consumer debt" as the terms are defined by 15 U.S.C. §
22 1692a(6).

23 37. Thereafter, Smith made payments on the Sallie Mae account for a period of
24 time but eventually went into default. Following said default, Sallie Mae
25 initiated collection attempts against Ms. Cutler and Plaintiff.

26 38. Plaintiff informed Sallie Mae that Plaintiff had Power of Attorney for Ms.
27 Cutler and explained that the account was opened fraudulently in Ms. Cutler's
28 name. In response, Sallie Mae's representative informed Plaintiff that

1 Plaintiff must complete an ID Theft Affidavit in order for Sallie Mae to
2 investigate Plaintiff's claims.

3 39. In addition to completing Sallie Mae's ID Theft Affidavit, Plaintiff provided
4 Sallie Mae with Plaintiff's Power of Attorney for Ms. Cutler; Dr. Trader's and
5 Dr. Venuturupalli's Declarations of Incompetence; both police reports; and,
6 detailed explanations regarding the fraud committed by Smith. Furthermore,
7 Plaintiff's ID Theft Affidavit was also notarized by a Notary Public and
8 provided Sallie Mae with Ms. Cutler's date of birth on numerous occasions.

9 40. In response to the copious information provided by Plaintiff, Sallie Mae
10 merely responded with a two-sentence letter on November 23, 2011
11 summarily asserting that Ms. Cutler was responsible for Smith's student loan.

12 41. This information showed Sallie Mae that identity theft had occurred and
13 provided documentation supporting this occurrence. As evidenced by Sallie
14 Mae's conclusory form letter rejecting Plaintiff's assertion, Sallie Mae failed
15 to diligently investigate Plaintiff's notification of possible identity theft. As a
16 result, Sallie Mae has continued to pursue its claim against Plaintiff despite
17 knowledge that Plaintiff is not responsible for the alleged debt.

18 42. On or before November 23, 2011, Plaintiff telephonically contacted Sallie
19 Mae in order to inquire about Sallie Mae's identity theft decision. During said
20 telephonic communication, Plaintiff spoke with Sallie Mae's representative,
21 "Rob Ysais." Mr. Ysais confirmed that Sallie Mae had received Plaintiff's ID
22 Theft Affidavit, including the police reports and the Declarations of
23 Incompetence. Thereafter, Mr. Ysais belittled and insulted Plaintiff for
24 believing that these documents established that Ms. Cutler's identity had been
25 stolen. In addition, Mr. Ysais falsely asserted that whether Ms. Cutler was
26 incompetent at the time of execution was irrelevant. Plaintiff was deeply
27 troubled by Mr. Ysais' verbal abuse.

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1 43. Sallie Mae's continued attempts to knowingly collect an invalid debt from
2 Plaintiff and Ms. Cutler via written and telephonic communications
3 constitutes a violation of 15 U.S.C. § 1692e since Sallie Mae used false,
4 deceptive and misleading representations in connection with the collection of
5 Ms. Cutler's alleged debt from Plaintiff. This section is incorporated into the
6 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
7 violated Cal. Civ. Code § 1788.17.

8 44. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692e(2)(A) by falsely
9 representing the character, amount and legal status of Ms. Cutler's alleged
10 debt as one that is owed by Ms. Cutler. This section is incorporated into the
11 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
12 violated Cal. Civ. Code § 1788.17.

13 45. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692e(10) by using
14 false representations and deceptive means in order to collect Ms. Cutler's
15 alleged debt from Plaintiff. This section is incorporated into the RFDCPA
16 through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has violated Cal.
17 Civ. Code § 1788.17.

18 46. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692f by using unfair
19 and unconscionable means to collect Ms. Cutler's alleged debt from Plaintiff.
20 This section is incorporated into the RFDCPA through Cal. Civ. Code §
21 1788.17. Thus, Sallie Mae also has violated Cal. Civ. Code § 1788.17.

22 47. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692f(1) by attempting
23 to collect an amount not permitted by law from Plaintiff. This section is
24 incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus,
25 Sallie Mae also has violated Cal. Civ. Code § 1788.17.

26 48. To date, Sallie Mae continues Sallie Mae's unfair debt collection practices by
27 communications personal credit information to Ms. Cutler's credit report that
28 is known or should be known to be false. Such conduct constitutes a violation

1 of 15 U.S.C. § 1692e(8).

2 49. Since Sallie Mae's repeated collection attempts continued, Plaintiff retained
3 the services of Glenn R. Kantor, Esq. of Kantor & Kantor, LLP to assist with
4 Sallie Mae's unfair debt collection practices. In that regard, Mr. Kantor sent a
5 detailed written communication via certified mail dated February 6, 2012
6 explaining yet again to Sallie Mae why Ms. Cutler was not responsible for the
7 alleged debt. Mr. Kantor also informed Sallie Mae of Plaintiff's attorney's
8 name, address, telephone number, e-mail, facsimile and requested that all
9 further communication with regard to Plaintiff's alleged debt be directed to
10 Plaintiff's counsel only.

11 50. By ignoring the information provided by Plaintiff and Plaintiff's counsel,
12 Sallie Mae engaged in conduct the natural consequence of which was to
13 harass, oppress and abuse Ms. Cutler and Plaintiff. Through this conduct,
14 Sallie Mae violated 15 U.S.C. § 1692d. This section is incorporated into the
15 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
16 violated Cal. Civ. Code § 1788.17.

17 51. Sallie Mae's continued attempts to knowingly collect an invalid debt from
18 Plaintiff and Ms. Cutler via written and telephonic communications
19 constitutes a violation of 15 U.S.C. § 1692e since Sallie Mae used false,
20 deceptive and misleading representations in connection with the collection of
21 Ms. Cutler's alleged debt from Plaintiff. This section is incorporated into the
22 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
23 violated Cal. Civ. Code § 1788.17.

24 52. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692e(2)(A) by falsely
25 representing the character, amount and legal status of Ms. Cutler's alleged
26 debt as one that is owed by Ms. Cutler. This section is incorporated into the
27 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
28 violated Cal. Civ. Code § 1788.17.

1 53. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692e(10) by using
2 false representations and deceptive means in order to collect Ms. Cutler's
3 alleged debt from Plaintiff. This section is incorporated into the RFDCPA
4 through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has violated Cal.
5 Civ. Code § 1788.17.

6 54. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692f by using unfair
7 and unconscionable means to collect Ms. Cutler's alleged debt from Plaintiff.

8 55. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692f(1) by attempting
9 to collect an amount not permitted by law from Plaintiff. This section is
10 incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus,
11 Sallie Mae also has violated Cal. Civ. Code § 1788.17.

12 56. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692c(2) by collecting
13 an alleged debt from a represented party. This section is incorporated into the
14 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
15 violated Cal. Civ. Code § 1788.17. This section is incorporated into the
16 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
17 violated Cal. Civ. Code § 1788.17.

18 57. Through this conduct, Sallie Mae also violated Cal. Civ. Code § 1788.14(c) by
19 initiating communications, other than statements of account, with Plaintiff
20 despite knowledge that Plaintiff was a represented party.

21 58. Since Sallie Mae wholly disregarded Mr. Kantor's written communication,
22 Plaintiff retained the services of Allan D. Sarver, Esq. Like Mr. Kantor before
23 him, Mr. Sarver provided Sallie Mae with further documentation in support of
24 Plaintiff's assertion that Plaintiff was not responsible for the alleged debt via
25 written communication dated June 18, 2012.

26 59. By ignoring the information provided by Plaintiff and Plaintiff's counsel,
27 Sallie Mae engaged in conduct the natural consequence of which was to
28 harass, oppress and abuse Ms. Cutler and Plaintiff. Through this conduct,

1 Sallie Mae violated 15 U.S.C. § 1692d. This section is incorporated into the
2 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
3 violated Cal. Civ. Code § 1788.17.

4 60. Sallie Mae's continued attempts to knowingly collect an invalid debt from
5 Plaintiff and Ms. Cutler via written and telephonic communications
6 constitutes a violation of 15 U.S.C. § 1692e since Sallie Mae used false,
7 deceptive and misleading representations in connection with the collection of
8 Ms. Cutler's alleged debt from Plaintiff. This section is incorporated into the
9 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
10 violated Cal. Civ. Code § 1788.17.

11 61. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692e(2)(A) by falsely
12 representing the character, amount and legal status of Ms. Cutler's alleged
13 debt as one that is owed by Ms. Cutler. This section is incorporated into the
14 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has
15 violated Cal. Civ. Code § 1788.17.

16 62. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692e(10) by using
17 false representations and deceptive means in order to collect Ms. Cutler's
18 alleged debt from Plaintiff. This section is incorporated into the RFDCPA
19 through Cal. Civ. Code § 1788.17. Thus, Sallie Mae also has violated Cal.
20 Civ. Code § 1788.17.

21 63. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692f by using unfair
22 and unconscionable means to collect Ms. Cutler's alleged debt from Plaintiff.
23 This section is incorporated into the RFDCPA through Cal. Civ. Code §
24 1788.17. Thus, Sallie Mae also has violated Cal. Civ. Code § 1788.17.

25 64. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692f(1) by attempting
26 to collect an amount not permitted by law from Plaintiff. This section is
27 incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus,
28 Sallie Mae also has violated Cal. Civ. Code § 1788.17.

65. Through this conduct, Sallie Mae violated 15 U.S.C. § 1692c(2) by collecting an alleged debt from a represented party. This section is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus, Defendant also has violated Cal. Civ. Code § 1788.17.

66. Through this conduct, Sallie Mae also violated Cal. Civ. Code § 1788.14(c) by initiating communications, other than statements of account, with Plaintiff despite knowledge that Plaintiff was a represented party.

67. Subsequently, the alleged debt was allegedly assigned, placed, or otherwise transferred, to both Allied and GC Services for further collection activity. Thus, Sallie Mae continued Sallie Mae's unfair debt collection practices by representing to GC Services and Allied that Plaintiff's alleged debt was valid.

68. Following this alleged transfer, Allied began collecting Plaintiff's alleged debt from Plaintiff both telephonically and via written communications.

69. Mr. Sarver then contacted Allied and informed Allied that Allied was attempting to collect an invalid debt from Plaintiff. Mr. Sarver's November 20, 2012 written communication also provided Allied with Plaintiff's Power of Attorney for Ms. Cutler; Plaintiff's ID Theft Affidavit; Dr. Trader's and Dr. Venuturupalli's Declarations of Incompetence; both police reports; and, detailed explanations regarding the fraud committed by Smith. This documentation repeatedly provided Allied with Ms. Cutler's date of birth. However, like Sallie Mae, Allied disregarded the information provided by Mr. Sarver and has continued to collect this invalid debt directly from Plaintiff.

70. This information showed Allied that identity theft had occurred and provided documentation supporting this belief. As evidenced by Allied's continued collection activity, Allied failed to diligently investigate Plaintiff's notification of possible identity theft. As a result, Allied has continued to pursue its claim against Plaintiff despite knowledge that Plaintiff is not responsible for the alleged debt.

1 71. By ignoring the information provided by Plaintiff and Plaintiff's counsel,
2 Allied engaged in conduct the natural consequence of which was to harass,
3 oppress and abuse Ms. Cutler and Plaintiff. Through this conduct, Allied
4 violated 15 U.S.C. § 1692d. This section is incorporated into the RFDCPA
5 through Cal. Civ. Code § 1788.17. Thus, Allied also has violated Cal. Civ.
6 Code § 1788.17.

7 72. Allied's continued attempts to knowingly collect an invalid debt from Plaintiff
8 and Ms. Cutler via written and telephonic communications constitutes a
9 violation of 15 U.S.C. § 1692e since Allied used false, deceptive and
10 misleading representations in connection with the collection of Ms. Cutler's
11 alleged debt from Plaintiff. This section is incorporated into the RFDCPA
12 through Cal. Civ. Code § 1788.17. Thus, Allied also has violated Cal. Civ.
13 Code § 1788.17.

14 73. Through this conduct, Allied violated 15 U.S.C. § 1692e(2)(A) by falsely
15 representing the character, amount and legal status of Ms. Cutler's alleged
16 debt as one that is owed by Ms. Cutler. This section is incorporated into the
17 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Allied also has violated
18 Cal. Civ. Code § 1788.17.

19 74. Through this conduct, Allied violated 15 U.S.C. § 1692e(10) by using false
20 representations and deceptive means in order to collect Ms. Cutler's alleged
21 debt from Plaintiff. This section is incorporated into the RFDCPA through
22 Cal. Civ. Code § 1788.17. Thus, Allied also has violated Cal. Civ. Code §
23 1788.17.

24 75. Through this conduct, Allied violated 15 U.S.C. § 1692f by using unfair and
25 unconscionable means to collect Ms. Cutler's alleged debt from Plaintiff.
26 This section is incorporated into the RFDCPA through Cal. Civ. Code §
27 1788.17. Thus, Allied also has violated Cal. Civ. Code § 1788.17.

28 76. Through this conduct, Allied violated 15 U.S.C. § 1692f(1) by attempting to

1 collect an amount not permitted by law from Plaintiff. This section is
2 incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus,
3 Allied also has violated Cal. Civ. Code § 1788.17.

4 77. Through this conduct, Allied violated 15 U.S.C. § 1692c(2) by collecting an
5 alleged debt from a represented party. This section is incorporated into the
6 RFDCPA through Cal. Civ. Code § 1788.17. Thus, Defendant also has
7 violated Cal. Civ. Code § 1788.17.

8 78. Through this conduct, Allied also violated Cal. Civ. Code § 1788.14(c) by
9 initiating communications, other than statements of account, with Plaintiff
10 despite knowledge that Plaintiff was a represented party.

11 79. Concurrently, GC Services is also collecting the alleged Sallie Mae debt from
12 Plaintiff.

13 80. As before, Mr. Sarver contacted GC Services and informed GC Services that
14 GC Services was attempting to collect an invalid debt from Plaintiff. Mr.
15 Sarver's April 18, 2013 written communication also provided GC Services
16 with Plaintiff's Power of Attorney for Ms. Cutler; Plaintiff's ID Theft
17 Affidavit; Dr. Trader's and Dr. Venuturupalli's Declarations of Incompetence;
18 both police reports; and, detailed explanations regarding the fraud committed
19 by Smith. This documentation repeatedly provided GC Services with Ms.
20 Cutler's date of birth. However, like Sallie Mae, GC Services disregarded the
21 information provided by Mr. Sarver and has continued to collect this invalid
22 debt directly from Plaintiff.

23 81. This information showed GC Services that identity theft had occurred and
24 provided documentation supporting this belief. As evidenced by GC Services
25 disregard of the information provided by Mr. Sarver, GC Services failed to
26 diligently investigate Plaintiff's notification of possible identity theft. As a
27 result, GC Services has continued to pursue its claim against Plaintiff despite
28 knowledge that Plaintiff is not responsible for the alleged debt.

1 82. By ignoring the information provided by Plaintiff and Plaintiff's counsel, GC
2 Services engaged in conduct the natural consequence of which was to harass,
3 oppress and abuse Ms. Cutler and Plaintiff. Through this conduct, Allied
4 violated 15 U.S.C. § 1692d. This section is incorporated into the RFDCPA
5 through Cal. Civ. Code § 1788.17. Thus, GC Services also has violated Cal.
6 Civ. Code § 1788.17.

7 83. GC Services' continued attempts to knowingly collect an invalid debt from
8 Plaintiff and Ms. Cutler via written and telephonic communications
9 constitutes a violation of 15 U.S.C. § 1692e since GC Services used false,
10 deceptive and misleading representations in connection with the collection of
11 Ms. Cutler's alleged debt from Plaintiff. This section is incorporated into the
12 RFDCPA through Cal. Civ. Code § 1788.17. Thus, GC Services also has
13 violated Cal. Civ. Code § 1788.17.

14 84. Through this conduct, GC Services violated 15 U.S.C. § 1692e(2)(A) by
15 falsely representing the character, amount and legal status of Ms. Cutler's
16 alleged debt as one that is owed by Ms. Cutler. This section is incorporated
17 into the RFDCPA through Cal. Civ. Code § 1788.17. Thus, GC Services also
18 has violated Cal. Civ. Code § 1788.17.

19 85. Through this conduct, GC Services violated 15 U.S.C. § 1692e(10) by using
20 false representations and deceptive means in order to collect Ms. Cutler's
21 alleged debt from Plaintiff. This section is incorporated into the RFDCPA
22 through Cal. Civ. Code § 1788.17. Thus, GC Services also has violated Cal.
23 Civ. Code § 1788.17.

24 86. Through this conduct, GC Services violated 15 U.S.C. § 1692f by using unfair
25 and unconscionable means to collect Ms. Cutler's alleged debt from Plaintiff.
26 This section is incorporated into the RFDCPA through Cal. Civ. Code §
27 1788.17. Thus, GC Services also has violated Cal. Civ. Code § 1788.17.

28 87. Through this conduct, GC Services violated 15 U.S.C. § 1692f(1) by

1 attempting to collect an amount not permitted by law from Plaintiff. This
2 section is incorporated into the RFDCPA through Cal. Civ. Code § 1788.17.
3 Thus, GC Services also has violated Cal. Civ. Code § 1788.17.

4 88. Through this conduct, GC Services violated 15 U.S.C. § 1692c(2) by
5 collecting an alleged debt from a represented party. This section is
6 incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus,
7 Defendant also has violated Cal. Civ. Code § 1788.17.

8 89. Through this conduct, GC Services also violated Cal. Civ. Code § 1788.14(c)
9 by initiating communications, other than statements of account, with Plaintiff
10 despite knowledge that Plaintiff was a represented party.

11 90. Thus, Defendant took actions against Plaintiff concerning the alleged debt in
12 violation of the statute discussed above. Consequently, Defendants have
13 violated 15 U.S.C. §§ 1692d; 1692e; 1692e(2)(A); 1692e(8); 1692e(10);
14 1692f; and, 1692f(1). In addition, Defendant also violated Cal. Civ. Code §§
15 1788.11(b); 1788.11(c); and, 1788.17.

16 91. These repeated and continuous violations have caused Plaintiff unnecessary
17 stress and anxiety. In addition, said violations also caused serious strain for
18 Ms. Cutler, a terminally ill senior citizen, a fact known by Defendants.
19 Despite this knowledge, Defendants continued to pursue Plaintiff and Ms.
20 Cutler for an invalid debt causing Plaintiff and Ms. Cutler to suffer.

21 92. In addition, Defendants' continued illegal collection actions and continued
22 reporting on Plaintiff's credit reports after failing to conduct a reasonable
23 investigation into Plaintiff's identity theft claims violate Cal. Civ. Code §
24 1798.92 et seq.

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CAUSES OF ACTION CLAIMED BY PLAINTIFF

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §§ 1692-1692(p) (FDCPA)

[AGAINST ALL DEFENDANTS EXCEPT SALLIE MAE]

93. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

94. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA.

95. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each Defendant individually.

COUNT II

VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

Cal. Civ. Code §§ 1788-1788.32 (RFDCPA)

[AGAINST ALL DEFENDANTS]

96. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

97. The foregoing acts and omissions constitute numerous and multiple violations of the RFDCPA.

98. As a result of each and every violation of the RFDCPA, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from each Defendant individually.

COUNT III**VIOLATIONS OF CAL. CIV. CODE § 1798.92-1798.97****[AGAINST ALL DEFENDANTS]**

99. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

100. The foregoing acts and omissions constitute numerous and multiple violations of the Cal. Civ. Code § 1798.92, including but not limited to each and every one of the above-cited provisions of Cal. Civ. Code § 1798.92.

101. As a result of each and every violation of Cal. Civ. Code § 1798.92, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1798.93(c)(5); statutory damages in an amount up to \$30,000.00 pursuant to Cal. Civ. Code § 1798.93(c)(6); costs pursuant to Cal. Civ. Code § 1798.93(c)(5), attorney's fees and costs pursuant to Cal. Civ. Code § 1798.93(c)(5) and any equitable relief the Court deems appropriate pursuant to Cal. Civ. Code § 1798.93(c)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for:

- an award of actual damages, in an amount to be determined at trial, pursuant to Cal. Civ. Code § 1788.30(a), against each named Defendant individually;
- an award of actual damages, in an amount to be determined at trial, pursuant to 15 U.S.C. § 1692k(a)(1), against each named Defendant individually;
- an award of statutory damages of \$1,000.00, pursuant to Cal. Civ. Code § 1788.30(b), against each named Defendant individually;
- an award of statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A), against each named Defendant individually;
- an award of costs of litigation and reasonable attorney's fees, pursuant to Cal. Civ. Code § 1788.30(c), against each named Defendant

1 individually.

- 2 • an award of costs of litigation and reasonable attorney's fees, pursuant to
3 15 U.S.C. § 1692k(a)(3), against each named Defendant individually;
4 • special, general, compensatory and punitive damages;
5 • treble damages pursuant to Cal. Civ. Code § 3345; and,
6 • any and all other relief that this Court deems just and proper.

7 **TRIAL BY JURY**

8 102. Pursuant to the seventh amendment to the Constitution of the United States of
9 America, Plaintiff is entitled to, and demands, a trial by jury.

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12 Dated: November 14, 2013

Respectfully submitted,

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14 **KAZEROUNI LAW GROUP, APC**

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16 By: 

17 **ABBAS KAZEROUNIAN, ESQ.**
18 **ATTORNEY FOR PLAINTIFF**
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UNITED STATES DISTRICT COURT
for the
Central District of California

ANDRA JAY,

Plaintiff(s)

v.

SALLIE MAE, INC.; GC SERVICES LIMITED
PARTNERSHIP; AND, ALLIED INTERSTATE, LLC,

Defendant(s)

Civil Action No. 5:13-cv-2142-MWF-DTBx

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* SALLIE MAE, INC.
2001 EDMUND HALLEY DR
RESTON, VA 20191

A lawsuit has been filed against you.

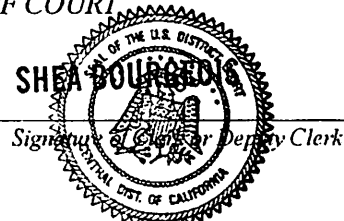
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Abbas Kazerounian, Esq.
245 Fischer Avenue, Unit D1
Costa Mesa, CA 92626
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: NOV 21 2013

CLERK OF COURT



I. (a) PLAINTIFFS (Check box if you are representing yourself) ☐ (b) DEFENDANTS (Check box if you are representing yourself) ☐

ANDRA JAY,

SALLIE MAE, INC.; GC SERVICES LIMITED PARTNERSHIP; AND, ALLIED INTERSTATE, LLC,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Abbas Kazerounian, Esq.
KAZEROUNI LAW GROUP, APC
245 Fischer Avenue, Unit D1, Costa Mesa, CA 92626
Telephone: (800) 400-6808 ext. 2 E-mail: ak@kazlg.com

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
☐ 2. U.S. Government Defendant
☒ 3. Federal Question (U.S. Government Not a Party)
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES—For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding
☐ 2. Removed from State Court
☐ 3. Remanded from Appellate Court
☐ 4. Reinstated or Reopened
☐ 5. Transferred from Another District (Specify)
☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Fair Debt Collection Practices Act - 15 U.S.C. § 1692; and, 28 U.S.C. § 1367 for supplemental State claims.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

5:13-cv-2142

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input checked="" type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	EASTERN DIVISION

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):** _____

DATE: November 14, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Michael W. Fitzgerald and the assigned Magistrate Judge is David T. Bristow.

The case number on all documents filed with the Court should read as follows:

5:13-CV-2142 MWF-DTBx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

November 21, 2013

Date

By SBOURGEOIS
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.